

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<b>HOWARD KAPLAN,</b>	)
Plaintiff,	)
	)
	)
v.	)
	)
<b>WEND MANAGEMENT, INC.,</b>	)
<b>WENDY'S OLD FASHIONED</b>	)
<b>HAMBURGERS OF NEW YORK,</b>	)
Defendants.	)
	)

CIVIL ACTION NO. 104-CV-10856-MEE

*FILED  
CLERK'S OFFICE  
2004 JUN 23 A 11:40  
U.S. DISTRICT COURT  
DISTRICT OF MASS.*

**ASSENTED-TO MOTION FOR ENLARGEMENT OF TIME FOR PLAINTIFF TO  
FILE AN OPPOSITION TO THE DEFENDANTS' MOTION TO DISMISS COUNT  
II OF HIS COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b), Plaintiff Howard Kaplan requests the Court to grant this Motion for Enlargement of time to file an Opposition to the Defendants' Motion to Dismiss Count II of the Plaintiff's Complaint, from June 24, 2004 up to and including July 6, 2004. As grounds for this motion, counsel for the Plaintiff states that, as a result of other deadlines also on June 24, 2004, his counsel requires additional time to oppose the Defendants' Motion to Dismiss.

Respectfully submitted,  
**HOWARD KAPLAN,**  
By his attorneys,

Rebecca G. Pontikes

Shannon Liss-Riordan, BBO #640716  
Rebecca G. Pontikes, BBO # 637157  
PYLE, ROME, LICHTEN, & EHRENBERG, P.C.  
18 Tremont Street, Suite 500  
Boston, Massachusetts 02108  
(617) 367-7200

DATE: June 23, 2004

**CERTIFICATE OF SERVICE**

This is to certify that on June 22, 2004, a copy of the above document was served via first class mail, upon Kathryn Connors Soderberg, Davis, Malm & D'Agostine, P.C., One Boston Place, Boston, MA 02108.

Rebecca G. Pontikes)  
Rebecca G. Pontikes